

### **Remarks**

The above amendment is presented to emphasize that which should be implicitly understood as distinguishing the claimed invention from the asserted prior art. Favorable reconsideration of this application is requested as the underlying Office Action appears to reflect that certain claim language has been overlooked and not fully appreciated.

The final Office Action dated September 19, 2005, indicated that claims 13-20, 33-40, 53-60 and 62 are withdrawn; claims 1-2, 6, 21-22, 26, 41-42, 46 and 61 are rejected under 35 U.S.C. § 102(b) over Applicant's Fig. 3; claims 3-4, 8-9, 23-24, 28-29, 43-44 and 48-49 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3; claims 5, 25 and 45 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Koehn *et al.* (U.S. Patent Publ. No. US2003/0117995); claims 7, 27 and 47 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Wiese *et al.* (U.S. Patent Publ. No. US2001/0028692); claims 10, 11, 30, 31, 50 and 51 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Reusens *et al.* (U.S. Patent Publ. No. US2002/0054610); claims 12, 32 and 52 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Carrender (U.S. Patent Publ. No. US2002/0149484).

Applicant respectfully traverses each of the prior art rejections (Section 102(b) and Section 103(a)). There is no evidence of record that the system described as Applicant's Fig. 3 qualifies as prior art under Section 102(b) in a manner corresponding to the claimed invention. Applicant submits that without a presentation of support for the basis of the rejection, the Section 102(b) (and Section 103(a)) rejections are improper and accordingly requests that the rejections be withdrawn.

There is no basis for alleging correspondence between the claimed invention and Fig. 3 (under Section 102 or Section 103).

Each of the independent claims 1, 21, 41, and 61 are clearly distinguishable over the prior art system of Fig. 3. The system of Fig. 3 uses a worst case analysis that is not based on any actual interference (*e.g.*, as in claim 1) or on any interference carried by the lines (*e.g.*, as in claim 21). Moreover, each of claims 21, 41 and 61 indicate that the model of characteristics (including interference) is based on signals carried by the communication lines, and all of the claims refer to modeling information based on actual interference.

The prior art system of Fig. 3 does not create or use any model that includes interference in the signal lines. As in the Office Action Response and Amendment filed on July 28, 2005, Applicant's discussion of Fig. 3 at page 4, lines 7-8, of the Specification, teaches that the asserted prior art is designed to accommodate the worst cases of crosstalk or other interference, irrespective of the actual conditions present in the system during operation. An estimate of expected worst case interference is merely an estimate and is not line interference that is actual or based on signals carried by the lines.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120  
651/686-6633

Dated: October 24, 2005

By: 

Robert J. Crawford  
Reg. No. 32,122